IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 10693 of 2005

Between:

1.M/s. Srinivasa Talkies, Wyra rep by Partner Kum. B. Sailaja D/o late Sri B. Prasada Rao
R/o H. No. 9-66, Main road, Wyra Khammam District
2 Kum. B. Sailaja D/o Late Sri B. PRasada Rao
R/o H. No. 9-66, Main Road, Wyra Khammam District

..... PETITIONER(S)

AND

1. State Bank of Hyderabad, Wyra Branch rep by Branch Manager, Wyra, Khammam District
2. Sri M. Raj Kumar Advocate-receiver M/s Srinivas Talkies Wyra R/o Sattupalli, Khammam District
3 Debts Recovery Tribunal, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issued a Writ, order or direction, more particularly one in the nature of Writ of Mandamus directing the 3rd respondent to expeditiously pass an order in O.A. 225 of 2003 within a time bound programme discharging the 2nd respondent as Receiver of the Theatre, subject matter of the writ petition and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent No.: MR.K.SRINIVASAMURTHY

The Court made the following :

ORAL ORDER (PER THE HON'BLE SRI JUSTICE GODA RAGHURAM)

I.A.(SR) No.1043 of 2003 is an application filed by the petitioners herein, who are defendants in O.A.No.225 of 2003, now before the 3rd respondent, on transfer from the Court of Senior Civil Judge, Khammam. The application was filed for discharging the receiver appointed in the suit. The receiver also filed application - I.A.No.185 of 2005 before the 3rd respondent to discharge him from functioning as advocate-receiver.

The short grievance of the petitioners is that neither their application for discharge of the receiver nor the application of the receiver himself i.e., I.A.No.185 of 2005 is being disposed of by the 3rd respondent – Tribunal.

In the light of t he grievance urged, the writ petition is disposed of directing the 3rd respondent – Tribunal to consider and expeditiously dispose of the interlocutory applications filed by the petitioners or the receiver seeking discharge of the receiver, preferably, within a period of six weeks from the date of receipt of a copy of this order. Nothing in the order of this court shall be construed as having impact on the merits of the application before the Tribunal.

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GODA RAGHURAM,J

Dt. 3-5-2005

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DR. G.YETHIRAJULU,J

To:

1. Branch Manager, State Bank of Hyderabad, Wyra Branch, Wyra, Khammam District
2. Debts Recovery Tribunal, Hyderabad

3. Two C.D. copies